

**U.S. District Court**  
**Middle District of Tennessee (Nashville)**  
**CIVIL DOCKET FOR CASE #: 3:04-cv-00312**

McCarthy, et al v. Middle TN Electric, et al  
Assigned to: District Judge William J. Haynes  
Demand: \$0  
Cause: 15:1 Antitrust Litigation

Date Filed: 04/12/2004  
Jury Demand: Both  
Nature of Suit: 410 Anti-Trust  
Jurisdiction: Federal Question

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/12/2004	1	COMPLAINT (Summons(es) issued) Filing fee paid in the amount of \$150, Receipt # 98206 (km) (Entered: 04/14/2004)
04/12/2004	2	NOTICE of Initial Case Management Conference: ICMC set for 2:00 on 6/7/04 before Judge Haynes. (km) (Entered: 04/14/2004)
04/26/2004	3	ATTORNEY APPEARANCE for defts Sequachee Valley and Volunteer Energy by John Harvey Cameron (km) (Entered: 04/27/2004)
04/28/2004	4	MOTION by deft Fayetteville Publi for summary judgment (km) (Entered: 04/29/2004)
04/28/2004	5	MEMORANDUM by deft Fayetteville Publi in support of motion for summary judgment [4-1] (w/attachments) (km) (Entered: 04/29/2004)
04/28/2004	6	AFFIDAVIT of Wayne Landreth re [4-1] (km) (Entered: 04/29/2004)
04/30/2004	7	ANSWER by deft Fayetteville Publi to [1-1] (gi) (Entered: 05/03/2004)
05/06/2004	8	ATTORNEY APPEARANCE for deft Middle TN Electric by James Carl Cope (km) (Entered: 05/06/2004)
05/12/2004		PROPOSED Agreed Order that this matter should be dismissed with prejudice as to deft Fayetteville Public Utilities (km) (Entered: 05/12/2004)
05/13/2004	9	AGREED ORDER by Judge William J. Haynes Jr.: This matter is dismissed with prejudice as to deft Fayetteville Public Utilities; terminating party Fayetteville Publi. Motion for summary judgment [4-1] is rendered moot by the dismissal, and therefore, the motion for summary judgment is hereby stricken.

		(EOD 5/13/04) (cc: all counsel) (km) (Entered: 05/13/2004)
05/20/2004	10	ATTORNEY APPEARANCE for defts Middle TN Electric, Appalachian Electr, Caney Fork Electric, Chicasaw Electric, Cumberland Electric, Duck River Electric, Forked Deer Electr, Fort Loudon Holston Electric, Meriwhether Lewis, Mountain Electric, Pickwick Electric, Plateau Electric, Powell Valley Elect, Sequachee Valley, Southwest TN Electr, TN Valley Electric, Tri-County Electr, Tri-State Electri, Upper Cumberland Ele, Volunteer Energy & Gibson Electric Mem by J. Richard Lodge, Robert Dale Grimes, Russell S. Baldwin & Gregory T. Young. (dlt) (Entered: 05/21/2004)
05/20/2004	11	CORPORATE DISCLOSURE STATEMENT filed by defts Middle TN Electric, Appalachian Electr, Caney Fork Electric, Chicasaw Electric, Cumberland Electric, Duck River Electric, Forked Deer Electr, Fort Loudon Electri, Holston Electric, Meriwhether Lewis, Mountain Electric, Pickwick Electric, Plateau Electric, Powell Valley Elect, Sequachee Valley, Southwest TN Electr, TN Valley Electric, Tri-County Electr, Tri-State Electri, Upper Cumberland Ele, Volunteer Energy & Gibson Electric Mem (dlt) (Entered: 05/21/2004)
05/28/2004	12	ATTORNEY APPEARANCE for deft TVA by Harriet A. Cooper, Thomas C. Doolan and Frank H. Lancaster (km) (Entered: 05/28/2004)
06/02/2004		PROPOSED Agreed Order that ICMC has been reset for 7/9/04 (km) (Entered: 06/03/2004)
06/03/2004	13	AGREED ORDER by Judge William J. Haynes Jr.: Case Management Conference set for 1:30 on 7/9/04. (EOD 6/3/04) (cc: all counsel) (km) (Entered: 06/03/2004)
06/10/2004	14	MOTION by deft TVA to dismiss (km) (Entered: 06/10/2004)
06/10/2004	15	MEMORANDUM by deft TVA in support of motion to dismiss [14-1] (km) (Entered: 06/10/2004)
06/10/2004	16	MATERIALS by deft TVA filed in support of TVA's motion to dismiss (w/attached exhibits A-J) (km) Modified on 06/10/2004 (Entered: 06/10/2004)
06/10/2004	17	MOTION by pltfs for extension of time to seek class certification until a scheduling order is in place (w/attached proposed order) (km) (Entered: 06/14/2004)
06/14/2004	18	MOTION by defts Middle TN Electric, Appalachian Electr, Caney Fork Electric, Chicasaw Electric, Cumberland Electric,

		Duck River Electric, Forked Deer Electr, Fort Loudon Electri, Holston Electric, Meriwhether Lewis, Mountain Electric, Pickwick Electric, Plateau Electric, Powell Valley Elect, Sequachee Valley, Southwest TN Electr, TN Valley Electric, Tri-County Electr, Tri-State Electri, Upper Cumberland Ele, Volunteer Energy and Gibson Electric Mem to dismiss (km) (Entered: 06/15/2004)
06/14/2004	19	MEMORANDUM by defts in support of motion to dismiss [18-1] (w/attached A-C) (km) (Entered: 06/15/2004)
06/15/2004	20	ORDER by Judge William J. Haynes Jr. granting motion for extension of time to seek class certification until a scheduling order is in place [17-1]. Pltfs shall file their motion for class certification and supportive pleadings on a date determined at the ICMC. (EOD 6/16/04) (cc: all counsel) (km) (Entered: 06/16/2004)
06/16/2004	21	RESPONSE by defts Middle TN Electric, Appalachian Electr, Caney Fork Electric, Chicasaw Electric, Cumberland Electric, Duck River Electric, Forked Deer Electr, Fort Loudon Electri, Holston Electric, Meriwhether Lewis, Mountain Electric, Pickwick Electric, Plateau Electric, Powell Valley Elect, Sequachee Valley, Southwest TN Electr, TN Valley Electric, Tri-County Electr, Tri-State Electri, Upper Cumberland Ele, Volunteer Energy and Gibson Electric Mem to [17-1] (km) (Entered: 06/16/2004)
06/22/2004		PROPOSED Agreed Order that pltf shall have until 7/16/04 to respond to defts' motion to dismiss (km) (Entered: 06/23/2004)
06/22/2004	22	MOTION by pltfs for leave to respond to defts' motions to dismiss upon completion of limited discovery (km) (Entered: 06/23/2004)
06/22/2004	23	MEMORANDUM by pltfs in support of motion for leave to respond to defts' motions to dismiss upon completion of limited discovery [22-1] (km) (Entered: 06/23/2004)
06/25/2004	24	AGREED ORDER by Judge William J. Haynes Jr.: Pltfs shall file a motion seeking limited discovery by 6/22/04; Defts shall file response to pltfs motion within 10 days thereafter. Pltfs shall have until 7/16/04, to respond to defts' motions to dismiss [14-1] and [18-1] (EOD 6/25/04) (cc: all counsel) (km) (Entered: 06/25/2004)
06/25/2004	25	ORDER by Judge William J. Haynes Jr. granting motion for leave to respond to defts' motions to dismiss upon completion of

		limited discovery [22-1]. (EOD 6/28/04) (cc: all counsel) (km) (Entered: 06/28/2004)
07/01/2004	26	MOTION by deft TVA to reconsider order granting pltfs' motion for leave to respond to defts' motions to dismiss upon completion of limited discovery (jb) (Entered: 07/01/2004)
07/01/2004	27	MEMORANDUM by deft TVA in support of motion to reconsider order granting pltfs' motion for leave to respond to defts' motions to dismiss upon completion of limited discovery [26-1] (w/attached exhs. A & B) (jb) (Entered: 07/01/2004)
07/01/2004	28	MOTION by defts (Cooperatives) for reconsideration of Order granting pltfs' motion for leave to respond to defts' motions to dismiss (km) (Entered: 07/02/2004)
07/01/2004	29	MEMORANDUM by defts (Cooperatives) in support of motion for reconsideration [28-1] (km) (Entered: 07/02/2004)
07/02/2004	30	ORDER by Judge William J. Haynes Jr. denying motion to reconsider order granting pltfs' motion for leave to respond to defts' motions to dismiss upon completion of limited discovery [26-1]. (EOD 7/1/04) (cc: all counsel) (km) (Entered: 07/02/2004)
07/06/2004	31	MOTION by defts to excuse certain corporate counsel from initial case mgt conference (mk) (Entered: 07/06/2004)
07/07/2004		PROPOSED Case Management Order (dlt) (Entered: 07/07/2004)
07/07/2004	32	ORDER by Judge William J. Haynes Jr. granting motion to excuse certain corporate counsel from initial case mgt conference [31-1]. EOD 7/7/04 (cc: all counsel) (mk) (Entered: 07/07/2004)
07/12/2004	33	CLERK'S RESUME: Case Management Conference held 7/9/04 ; Court will hold off on the CMO to review deft's motion to dismiss. Court will set aside discovery pending ruling on motion to dismiss. C/R: Peggy Turner (km) (Entered: 07/12/2004)
07/13/2004	34	TRANSCRIPT of ICMC proceedings before Judge Haynes on 7/9/04; CR: Peggy Turner (km) (Entered: 07/13/2004)
07/15/2004		PROPOSED Agreed Order re motions to dismiss (km) (Entered: 07/16/2004)
07/16/2004	35	FIRST AMENDED COMPLAINT [1-1] by pltfs; jury demand (km) (Entered: 07/19/2004)

07/16/2004	36	RESPONSE by pltfs to motion for reconsideration [28-1] (km) (Entered: 07/19/2004)
07/16/2004	37	AGREED ORDER by Judge William J. Haynes Jr. to extend the time for pltfs' to respond to defts' motions to dismiss [14-1] and [18-1] as outlined in this order. (EOD 7/19/04) (cc: all counsel) (km) (Entered: 07/19/2004)
07/19/2004	38	MAIL Returned by Atty Rowland's office re [24-1] and [25-1] addressed to Sidney R. Seals, counsel for deft Plateau Electric, P.O. Box 2111, 312 Gay Street, Knoxville, TN 37901 new address in system, resent to 407 East Second Avenue, P.O. Box 5031, Oneida, TN 37841-5031 (km) Modified on 07/20/2004 (Entered: 07/20/2004)
08/04/2004	39	ORDER by Judge William J. Haynes Jr.: Upon review of the file and the pending motions to dismiss, the Court STAYS all discovery pending further Order of the Court. Within 15 days of this Order, the pltfs shall file a response on three issues raised by the deft cooperatives' motion to dismiss. (EOD 8/5/04) (cc: all counsel) (km) (Entered: 08/05/2004)
08/18/2004		PROPOSED Agreed Order that defts shall have until 9/3/04 to serve their responses to pltf's amended complaint (km) (Entered: 08/19/2004)
08/19/2004	40	AGREED ORDER by Judge William J. Haynes Jr. that defts shall have until 9/3/04, to serve their responses to pltfs' amended complaint. (EOD 8/19/04) (cc: all counsel) (km) (Entered: 08/19/2004)
08/19/2004	41	RESPONSE by pltfs to certain issues raised in defts' motions to dismiss [14-1] and [18-1] (w/attached exhibits A & B) (km) (Entered: 08/20/2004)
08/19/2004	42	MOTION by pltfs for leave to amend pltfs' first amended class action complaint (w/attached second amended class action complaint) (km) (Entered: 08/20/2004)
08/19/2004	43	MEMORANDUM by pltf in support of motion for leave to amend pltfs' first amended class action complaint [42-1] (km) (Entered: 08/20/2004)
08/31/2004	44	RESPONSE by Cooperative defts to motion for leave to amend pltfs' first amended class action complaint [42-1] (w/attachment) (gi) (Entered: 08/31/2004)
08/31/2004	45	MOTION by Cooperative defts for leave to reply to pltfs' response to certain issues raised in defts' motions to dismiss

		(w/attached orig reply) (km) (Entered: 09/01/2004)
08/31/2004		PROPOSED Agreed Order that defts shall have until and including 10 days from the Court's disposition of pltfs' motion for leave to amend pltfs' first amended class action complaint filed 8/19/04 within which to serve their response to pltfs' complaint (km) (Entered: 09/01/2004)
09/03/2004	46	AGREED ORDER by Judge William J. Haynes Jr. extending time to answer for an additional 10 days after the Court's disposition on the Motion for Leave to Amend Complaint . (cc: all counsel) EOD 9/7/04 (hv) (Entered: 09/07/2004)
09/03/2004	47	ORDER by Judge William J. Haynes Jr. GRANTING motion for leave to reply to pltfs' response to certain issues raised in defts' motions to dismiss [45-1] (cc: all counsel) (hv) (Entered: 09/07/2004)
09/03/2004	48	REPLY by "Cooperative defts" to response to certain issues in motion to dismiss [18-1]. (hv) (Entered: 09/07/2004)
12/02/2004	49	MEMORANDUM OF THE COURT by Judge Haynes (cc: all counsel) EOD 12/3/04 (hv) (Entered: 12/03/2004)
12/02/2004	50	ORDER by Judge William J. Haynes Jr. for the reasons stated in the contemporaneously entered memorandum, GRANTING Cooperative defts' motion to dismiss [18-1]; the pltfs' derivative state law claims are dismissed without prejudice, but the federal law claims are dismissed with prejudice; GRANTING TVA's motion to dismiss [14-1] as to pltfs' federal law claims; dismissing case (cc: all counsel) EOD 12/3/04 (hv) (Entered: 12/03/2004)
12/17/2004	51	MOTION by pltfs to alter or amend judgment (gi) (Entered: 12/20/2004)
12/17/2004	52	MEMORANDUM by pltfs in support of motion to alter or amend judgment [51-1] (w/attachment) (gi) (Entered: 12/20/2004)
12/17/2004	53	MOTION by pltfs for oral argument on mtn to alter or amend (gi) (Entered: 12/20/2004)
12/20/2004	54	ORDER by Judge William J. Haynes Jr. denying motion for oral argument [53-1] (cc: all counsel) (EOD 12/21/04) (jb) (Entered: 12/21/2004)
12/27/2004	55	RESPONSE (BRIEF IN OPPOSITION) by deft TVA to motion to alter or amend judgment [51-1]. (dlt) (Entered: 12/27/2004)

12/30/2004	<a href="#">56</a>	RESPONSE by Cooperative Defts Middle TN Electric, Appalachian Electr, Caney Fork Electric, Chicasaw Electric, Cumberland Electric, Duck River Electric, Fayetteville Publi, Forked Deer Electr, Fort Loudon Electri, Holston Electric, Meriwhether Lewis, Mountain Electric, Pickwick Electric, Plateau Electric, Powell Valley Elect, Sequachee Valley, Southwest TN Electr, TN Valley Electric, Tri-County Electr, Tri-State Electri, Upper Cumberland Ele, Volunteer Energy, Gibson Electric Mem to motion to alter or amend judgment [51-1] (hv) (Entered: 01/03/2005)
01/14/2005	<a href="#">57</a>	MOTION by pltfs for leave to file Reply to response to Motion to Alter or Amend (with attached Reply with original signature) (hv) (Entered: 01/18/2005)
01/18/2005	<a href="#">58</a>	ORDER by Judge William J. Haynes Jr. GRANTING motion for leave to file Reply to response to Motion to Alter or Amend [57-1] (cc: all counsel) EOD 1/19/05 (hv) (Entered: 01/19/2005)
01/18/2005	<a href="#">59</a>	REPLY by pltfs to response to motion to alter or amend judgment [51-1] (hv) (Entered: 01/19/2005)
07/29/2005	<a href="#">60</a>	ORDER denying [51] Motion to Alter Judgment . Signed by Judge William J. Haynes on 7/29/05. (hv) (Entered: 07/29/2005)
08/11/2005	<a href="#">61</a>	NOTICE of Appeal by Ryan Hargis, John McCarthy, Volunteer Energy Cooperative, Billy Borchert, Stan Cooper, Joe Sliger, Mike Bell, Don Rackley, Terry Motley, Jim Foster (Martin, Gerald) Modified on 8/12/2005 (mk). (Entered: 08/11/2005)